

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE MORGAN STANLEY & CO., INC.  
AUCTION RATE SECURITIES  
DERIVATIVE LITIGATION

## ORDER PLACING CASE IN ABEYANCE

08 Civ. 7587 (AKH)

(Derivative Action)

ALVIN K. HELLERSTEIN, U.S.D.J:

On June 30, 2010, I issued an Order denying plaintiffs' request to assume jurisdiction over their demand for discovery from Morgan Stanley's Board of Directors under Delaware General Corporation Law, Del. Code. Ann. tit. 8, § 220, and also ordering plaintiffs to show cause why the case should not be dismissed. Since then, plaintiffs have initiated an action in Delaware Chancery Court seeking discovery under § 220, and both plaintiffs and defendants ask this Court to hold the case in abeyance pending a decision by the Chancery Court. Accordingly, the present case will be held in abeyance until the Chancery Court renders a decision, provided the parties provide this Court with status updates every sixty days commencing with the issuance of this Order.

SO ORDERED.

Dated: September 14, 2010  
New York, New York

  
ALVIN K. HELLERSTEIN  
United States District Judge